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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ALIFORNIA 088 MJ 2031

UNITED STATES OF AMERICA,

Plaintiff,

V.

Jose Adolfo MADRID-Beltran,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

**Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States**

The undersigned complainant, being duly sworn, states:

On or about **July 2, 2008** within the Southern District of California, defendant, **Jose Adolfo MADRID-Beltran**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF JULY, 2008


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**Jose Adolfo MADRID-Beltran****PROBABLE CAUSE STATEMENT**

On July 2, 2008, Border Patrol Agents M. Castillo and Agent C. Carter were performing line watch duties in an area that is approximately twelve miles east of the Otay Mesa, California Port of Entry, and four miles north of the international boundary between the United States and Mexico. At approximately 1:30 p.m. the Agents were notified of a seismic intrusion device activation in their area.

Agent Castillo and Agent Carter began walking southbound on a trail. Agent A. Cundiff, who was searching the area with binoculars observed a male with torn and dirty clothing walking in a draw towards the Agent's location. Agents Castillo and Carter waited for approximately 30 minutes until the male approached their location. Agents Castillo and Carter identified themselves as United States Border Patrol Agents and asked the man where he was born, and what his country of citizenship was. The individual, later identified as defendant **Jose Adolfo MADRID-Beltran**, stated he is a Mexican citizen without any immigration documents allowing him to enter into or remain in the United States legally. At approximately 2:10 p.m., Agent Castillo placed the defendant under arrest and transported him to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on August 16, 2002 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was given his Miranda rights and he stated that he understood said rights and was willing to answer questions without the presence of his attorney. The defendant stated that he is a citizen and national of Mexico without proper immigration documentation to enter or remain in the United States. He also stated he was going to Fresno, California.